

MINUTES

Utah Council on Victims of Crime Annual Meeting

Monday, June 8, 2009

Tuesday, June 9, 2009

Zermatt Resort
784 West Resort Drive
Midway, Utah

In Attendance:

Reed Richards
Ned Searle
Tammie Atkin
Kyle Goudie
Doug Fawson
Cecelia Swainston
Paul Cassell, guest
Lana Taylor, guest
Allison Williams

Ron Gordon
Clint Kelley
Ed Berkovich
Yvette Rodier Evans
Kirk Torgensen
Mike Rapich
Keith Hamilton, guest
Nicole Shepherd, guest

James Swink
Mel Wilson
Patricia Sheffield
Laura Blanchard
Christine Watters
Steve Schreiner
Heidi Nestel, guest
Alice Ericson, guest

MINUTES

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| Agenda Item: | Welcome & Introductions, Reed Richards |
| Discussion: | Reed mentioned how people would be coming and going with the lengthy agenda and that we should get started because there is a lot to talk about. The purpose of this meeting is to bring things together for the up-coming year in regards to training and legislation and to come up with priorities. He thanked everyone for coming and convened the meeting. |

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| Agenda Item: | Restitution |
| Discussion: Pilot Project | Mel Wilson Mel has been working on restitution issues for quite some time and with budget cuts it is almost impossible to approach the |

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| | <p>legislature with a restitution pilot project. He wants to create a program that will lead the way in restitution collections. He has talked with Heidi, Ron and others about trying to arrange some kind of a program that will assist CVR and victims in the collections enforcement of restitution and the Clinic will help provide the legal services for this. Heidi approached Mel about VOCA Recovery Act money to get this pilot project started through those one time funds. There are many bridges to cross such as meeting with the Attorney General's office, but that is a premature complication until they found out if funding is received through VOCA.</p> <p>To be successful Mel indicated that they need everyone involved and he provided a handout with possible initiatives. One is the development of a victim advocacy procedure manual which could be used in trainings and at the Academy. Patricia thinks it's a great idea especially in small areas because when new people are hired this manual would be consistent for everyone. Since SWAVO defines themselves as the source for all trainings and defining victim advocates Christine would like them involved in this development process. Christine said when developing this to keep in mind how each county does things differently. Ned said to keep in mind all the different kinds of advocates and if you did you could come up with a very good document. Mel indicated this is not just for advocates; there should be a section for the courts, prosecutors, etc. Christine thinks every advocate should be trained on crisis intervention because she receives a lot of complaints about not being listened to; she would like that to be included in this manual. Yvette said her interns are working on best practices for attorneys so maybe this project could be combined with the Clinic. Reed suggested using the SWAVO group as the leadership and make sure UCASA and UDVC and the Clinic are involved in this process. Action plan to attend SWAVO: Yvette, Mel, Reed and Clint. Christine will facilitate a meeting between them and SWAVO.</p> <p>The second initiative is the development of a crime victim restitution compensation schedule because sometimes it can go years before anything is ordered. Mel suggested a minimum restitution order amount that could be changed at a later date. He suggested that the restitution be paid directly to CVR who in turn would pay the victim but this suggestion needs a lot of fine-tuning. Doug asked how this plan is better than when the board</p> |
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| | <p>already orders it when the perpetrator is in prison. Mel said it would just be an alternative. Patricia asked about the juvenile court and Mel said he did not think about that, but he knew they had a pretty good program. Kyle said the kids don't usually get out unless their restitution is paid and that's the problem with adult courts; it's simply not enforced.</p> <p>The last initiative is the development of a special or extraordinary victim restitution enforcement and collection unit. Mel doesn't think we have the proper resources to deal with large restitution cases where thousands or millions are at stake. Mel told a story about a man who bilked \$450,000 out of elderly people and ordered him restitution by way of taking out a life insurance policy for that amount so if something happened to him he could pay the restitution. Ron would like clarified whether these two things will work together: restitution that is already in place and this project Mel is proposing. We don't want these two competing against each other. Mel will take the lead on initiatives two and three.</p> |
| Discussion: Senate Bill 182 | <p>Reed Richards</p> <p>SB 182 is the provision that does what the Council has been trying to establish for a while now, which is to take away the automatic disappearance of civil judgment orders, which currently disappear after 7 years. This new provision makes the order permanent. To make this provision effective you can take a certified copy of a restitution order to the county and that order becomes a lean on that property. If they have property and try to sell it they have to pay it before that happens. Informing victims now on how to collect on civil judgment orders that never go away may be more difficult. Mel said he was recently advised, but hasn't verified it, that there is a statewide registry where you can enter those judgments. The concept is great, but not sure if this is true. The problem is differentiating between judgments, how to know if this one is a restitution order versus other kinds, which is just a matter of recording. Reed suggested Mel keep this on his restitution committee discussions.</p> |
| Discussion: State Education (filing & seizing assets) | <p>Kirk Torgensen</p> <p>The preservation of assets has been changed, to make it stronger, and received no opposition. There are some things with asset</p> |

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| | <p>forfeiture that could be changed though and the time is right to make these changes. Pre-preservation of assets is something that we need prosecutors and police departments to start thinking about. For example \$3.5 million was owed to the State Tax Commission that would normally get paid at \$50 or \$100 a month and they would eventually get kicked off the caseload because no one would monitor them. In this situation they went and froze the assets of these people who owed \$3.5 million. Once they convicted them of tax evasion the court then ordered it to the commission. This was a much more effective way than the normal route.</p> <p>Kirk would like to get some education to prosecutors, possibly by Ed, on this new statute: section 77-38a.601. Mel wondered if in the training the police could alert the prosecution early on about the case so there are no surprises. The problem with prosecutors is that they are so busy and a lot of this is somewhat like civil work. Kirk would like to create a unit in the AG's office dedicated to all these kind of issues. In Arizona, where they have a unit like the one Kirk would like to create, they collect about 40 million a year off forfeitures. In a year or two he would like the Council's support to get this established in the AG's office. It seems daunting to most, but if they got started it would work quite well.</p> |
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| Agenda Item: | Utah Board of Pardons & Parole, Keith Hamilton |
| Discussion: Notification of Crime Victims | <p>Reed introduced Board Member Keith Hamilton and everyone went around the room and introduced themselves to him as well. Keith said he would like to hear any comments the Council has and then he would take them back to the Board. If there are any concerns about a particular issue, he can't make any decisions on his own because the Board is a majority vote, but he will provide information to them.</p> <p>Typically they don't notify victims unless victims have requested to be notified, especially in parole release hearings. The only problem with this is if there is incorrect contact information. Adult Probation and Parole and Department of Corrections supervise, while the Board is just the decision-making body. If a parolee is found with alcohol he can be sent back to prison if a warrant is served. Then he will have a parole hearing with a non-</p> |

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| | <p>voting hearing officer probably within 30 days who will then gather their information to provide to the Board. They may not notify the victim on this because it's not necessary for the victim to go through that situation. If a victim does want to know then they'll submit their information to Shanna Wettstein, the victim coordinator. According to Keith, they coordinate with almost 84% of their victims. He wants to know what the Council's thoughts are on the notification, which are usually being sent out after the fact stating what the decision is. Keith said the feedback he's previously received about sending out notifications on all happenings is the re-victimization that can occur.</p> |
| Discussion: Victims Ability to Appear & be Heard | <p>Any one can write a letter to the Board, but only certain people can be heard at a hearing. If there is a safety issue, the Board can summarize what is going to be presented. Those who want to attend are told they can come and sit and not say anything or they can have the ability to talk. The Board limits though, the number of people to speak to two.</p> |
| Discussion: Date of First Hearing | <p>By Board rule, the hearings are set when these people get the original hearings. The Board can change them at any time and in the past they have. All cases that involved a death the Board can set the original hearing through an administrative review process during the term, which is a maximum of 365 days; whereas others have different terms. In the cases of death though, they can re-set the hearing at any time and they do it under the administrative review process in which case a staff member writes a summary of the description of the offense. All information must come from at the time of sentencing and nothing after. The board has a large breadth and discretion and they must operate under it.</p> <p>Keith said they do release many without having a parole hearing. Sometimes it makes more sense to release them without the time, money and hassle that it takes than having a hearing about an offense that they weren't even in prison for in the first place, like having beer in the fridge. Doug brought up the fact that sometimes a first hearing with sex offenders leads to a re-hearing on what therapy to go to. A sex offender for example got a good deal where his 2nd degree felony was brought down to 3rd degree. He will be seen in 18 months. It doesn't make sense to have them do therapy then sit in prison for 2 years after. They make the release date for when they finish therapy.</p> |

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| | <p>Keith indicated that obviously victim input weighs more heavily than anything else. A victim impact hearing can also be requested. This rule was enacted in 2007, but there has never been one. Shanna tells people they have the right for a victim impact hearing, it just needs to be in the letter that Shanna sends out as well as length of stay if the perpetrator goes to prison. Keith said that when they get the PSI they rarely get the victim impact attachment, which is something that needs to start being attached. They make 15,000 decisions a year. Most don't see a problem with setting the date later; they just have to think about due process.</p> <p>Heidi brought up a situation where some victims weren't notified, but the Board was very responsive and helped change and get them a new hearing. She would like to have them re-look at how many people can speak at a hearing especially in child sex-abuse cases. She would like to have a representative and victim family/friends be able to speak. But Keith said he didn't think it would be a great idea to have lawyers speaking on behalf of the victims. Heidi asked if their records were private; If a victim wanted to know what letters were submitted in support of the perpetrator. He said those were private, but would need to look more into GRAMA. Tammie brought up the fact that a victim was attached verbally in court but couldn't defend herself but wrote a letter later but if she hadn't known he had said those things in a letter, for example she couldn't have defended herself. So the letters should be made public, it would be great to find a way to do this. Keith said he will research this issue with his colleagues.</p> |
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| Agenda Item: | Legislation, James Swink |
| Discussion: Expungement Statutes | <p>James Swink</p> <p>James introduced three people from BCI: Lana Taylor, Nicole Shepherd and Alice Ericson, who have already initiated correspondence with Representative Fisher and Oda to talk about formulating some regularity, which affect victims. Sections 77-18-10 allows for expungement of records of arrest, investigation and detention if there weren't any court proceedings, but were, for example, arrested. Section 77-18-11 allows for expungement</p> |

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| | <p>if a person has been convicted and then received a pardon from the Board. Unlike 77-18-10, there is a \$25 certificate of eligibility. Requests for pardons and expungement have gone up because people need certificates of eligibility for background checks for jobs etc. Last year alone they did 2,000 expungements which are more than previous years.</p> <p>Notice provisions are filed with the prosecuting attorney and the Department of Corrections. A victim shall receive notice of a petition for expungement if: a written and signed request for notice is supplied and Corrections delivers it. The court in its discretion may request a written evaluation by AP&P of the Department of Corrections. This would be a good tool to use and take back to the various jurisdictions that the Council represents. There can be no expungements for a Capitol or 1st degree felony, 2nd degree forcible felony, any sexual act against a minor or an offense for which a certificate of eligibility may not be issued.</p> <p>Some of the irregularities discussed in the meeting with Representatives Fisher and Oda are that certain convictions are denied, some of which statute names have changed. When they do a denial only the person requesting the expungement receives that notice, not the attorney. Additional grounds for denial include: if they have 2 felony convictions, prior felony expungement, misdemeanor expungement, subsequent conviction, three or more convictions, current criminal proceeding and outstanding restitution.</p> <p>The BCI checks with the courts to see if restitution has been paid. There is also some confusion about when expungement can be granted when some people have convictions in different categories. For example you can expunge if you were on drugs and caused injury versus being on alcohol, etc. Kirk suggested we start from scratch to re-do the statute, but after looking at all the work to be done, it might not be a feasible idea. Representatives Oda and Fisher asked Lana and others at the BCI to draft some things to fix the inconsistencies (double negatives, better language, etc.). If the Council has any suggestions to make the drafting process better let them know. Mel asked when they deny a certificate of eligibility and a letter goes out if they can submit a written request to re-consider the denial. If a victim registers and is notified and the victim has a</p> |
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| | <p>problem with it can they ask the court to look at it. James said they can request a hearing and could ask them to consider the request for expungement. In regards to 402 motions they would just look at what it was plead down to. The implications for victims are that when a felony is plead down they are getting the benefit of the 402 and expungement statute. Overall, they want to take the interpretation part out of the expungement statutes and base it on facts.</p> |
| <p>Discussion: Extending Rights of Crime Victims in Misdemeanor Cases</p> | <p>Steve Schreiner</p> <p>The Utah Prosecution Council is concerned about extending the process of allowing a plea to be set aside for some of the victims' remedies. However, he isn't sure if we're prohibited from doing that in the appropriate case. The question is whether there should be any effort to notify victims in all misdemeanor cases because it would take a lot of extra work. Steve doesn't know how workable this could be. Mel asked how quickly domestic violence cases go through the system. In some jurisdictions it could be done in one day. Steve said 90+% of the time he knows what the victim wants, mainly because the victim advocate and support staff. Ed thinks their cases in Salt Lake drag on much longer, but it's similar for how the case is handled. It seems the consensus is that this will not be work-able for all misdemeanors.</p> |
| <p>Discussion: Dating Violence</p> | <p>Ned Searle, James Swink</p> <p>Ned talked with Representative Litvack, and with the state of the economy, he didn't think it would be good to run the bill because it had a fiscal note attached so therefore it wasn't presented. Some kids from North Layton Junior High wanted the dating violence issue out there and they wanted to be actively involved so they got Representative Oda involved with helping them prepare a document to take to Representative Ray to present at the May interim where it was passed unanimously. They are fully committed to follow through with this joint resolution that was passed. This was their way of putting the issue in front of the legislature without running the bill.</p> <p>This will be the fifth session for the dating violence bill. Representative Litvack doesn't think he should be the main sponsor but will co-sponsor the bill. He would like to see a good</p> |

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| | <p>Republican like Representative Oda who has connections with the 2nd rights amendment so people understand that the bill won't affect that right. Ned would like to make it a priority to pick the representative to sponsor it. He would like the Council and CCJJ's support as they search for a representative. They asked Senator Bell to sponsor it last year and Senator Greiner had serious problems with it and Senator Bell would have sponsored it if it would have passed with certainty. Ned thinks if we get the right sponsor and fix the gun issues then it will pass. Mel asked where most of the opposition was and Ned said it was all over, but mainly dealing with the age and gun rights and they fixed it, but because of Representative Litvack's outspoken-ness they didn't want to move forward.</p> <p>Ed McConckie researched the gun issue and the Brady Bill won't be put into play unless a firearm was used in the incident that made the victim get a protective order; stalking and physical confrontation is protected. Representative Oda wants something from the U.S. Attorney's Office or the Attorney General's office to put this into writing. Once that's written down it could have success with the right sponsor. There was also some concern over whether a protective order automatically restricts a person from possessing a firearm. Ned would like to clarify this with Ed Berkovich and Drew Yeates.</p> <p>The fiscal note is just under \$100,000 and is \$108,000 to be on-going. They guessed that it would increase 7-9% whereas Ned sees in other states it only increases 1-2%. Patricia asked how many states surrounding us have passed dating violence bills. Idaho was the most recent, and since they enacted the bill parents have gotten protective orders to prevent their kids from having sex with their dates. Christine suggested that a letter from the council be sent to U.S. Attorney Tolman where he can respond and distribute those amongst the legislator. Christine suggested this be tied in with VAWA and possible funds be used to help with this.</p> <p>As far as the strangulation bill that Ned also works on, he and Jacey Skinner talked with some people and got the fiscal note taken off. Representative Seelig is running this bill.</p> |
| Discussion: Appellate Constitutional Change | Kirk Torgensen |

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| | <p>The Appellate Constitutional Change legislation fell short this year because not enough legislators felt they were involved. In post-conviction cases once you have one appeal after a conviction every one after that is post-conviction, which could go on for years because they keep filing. They want to limit how many times you can bring up post-conviction issues. Kirk wanted to do the same thing which was called the Post-Conviction Remedies Act of 1996, but the courts say they aren't bound by this Act. In the interest of justice they let the cases keep occurring. The courts continue to interpret these loopholes so in the last session they went in thinking they had to change the Constitution and wanted to get this issue on people's minds, full well knowing that changing the Constitution was a big deal. They aren't sure if the Courts are ever going to be bound by anything that is put in the statute.</p> <p>They had a focus group about three weeks ago with various people in the Attorney General's Office, legislators and others to see if there is a statute/rule that can get them to where they need to be. If they think they can come up with something that will make a difference then it will be pursued through the courts. It would take a number of years to see though if it would make a difference. There are a number of states that have this in place already; Kirk knows of at least four. They don't want this to be put only on death penalty, but all cases. Kirk and Tammie would appreciate more victim advocacy support next year. The Council is very supportive of this and Christine suggested we notify the SWAVO group now. Tammie could help coordinate that as well. They will need to have a couple more meetings and then by September they will know if they are able to move forward.</p> |
| Discussion: Son of Sam/Memorabilia | <p>Yvette Rodier Evans, Mel Wilson</p> <p>The problem with 77-18-8.3 is that it currently says that "at the time of sentence the court may order the defendant to be prohibited from directly or indirectly engaging in any profit" relating to their crime. Yvette would like to change this by taking out "at the time of sentence" so that this order can be made at any time.</p> <p>Reed wonders, in regards to Son of Sam laws, if Utah should mirror the federal statute for enforcement, because the other problem is that because the defendant can't profit, an outside</p> |

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| | author could come in and ask for their story and just not pay them. There are currently 42 states that have Son of Sam. Reed suggested Yvette put one of their interns on this and research other states. |
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| Agenda Item: | Enforcement of Crime Victim Rights 2009, Paul Cassell and Heidi Nestel |
| Discussion: | <p>Representative Webb sponsored a bill this year that was well-received and went through, despite objection by some defense attorney's. Kirk helped get the prosecutor's into line and was very instrumental with the legislative contacts. In the Lane case, for example, the county attorney made representations about the victims and the victims weren't made aware to come to the hearings, etc. and at the time there weren't any remedies set to fix this situation. This bill that just went through gives judges the authority to suggest remedies that they think are appropriate. There is a time limit though; you can only come in within 90 days and state that your rights were violated. Obviously, a longer time frame would be better for the victims, but this is a reasonable compromise. The victims also can't get a new trial because of the double jeopardy issue.</p> <p>Some victims have expressed concern stating that they've gone through the District Rights Committee process, but how does this change their case? Sometimes, though it's a matter of just being heard and that's all they need. With the new provision in the statute, if you find a violation you can refer that violation to the court directly and ask the court to act on that. The remedy section really gives the discretion to the court to find a resolution to the case. The committees would eventually want to meet and develop a protocol for this. Some questions posed were: how will this appear when it's sent to the court; will it be a copy of findings or a pamphlet? Ultimately, we need to wait on the opinions from the Supreme Court before we go into other legislative issues.</p> <p>Paul indicated that the Clinic has served so many people and would like to push for it to get state funding or make it a state agency. The later would be hard right now because of funding issues, but Paul thought maybe we could put either \$10,000 or \$20,000 in the budget just to get it in there. Reed thought we</p> |

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| | <p>should just put it in legislatively and to add this item to James' legislative issues list. Cecelia asked if this would limit the Clinic in any way. Heidi said how the Clinic would be crafted is important and to ensure there is still case selection and not feel like everyone is entitled to an attorney just because they are a victim of crime. Mel thought that maybe you could separate it out to a victim representative and a legal representative. Heidi would also see a challenge from the judge or defense on this. Another issue would be if the victim can bring their own restitution claim, but after discussion it seems only the prosecutor can do this. If a victim files their own claim and the prosecutor doesn't want to take it, it could be challenging to show what the loss is. Reed is wondering if we exclude the type of crimes eligible to be represented by the Clinic if that would make it less complicated. Heidi said that they would not represent civil cases.</p> <p>Paul also brought up the issue of rape crisis counselors and confidentiality. There was an issue of defense wanting to look at records and how much confidentiality should be given to these records. He said in the next month or two more information will come out and then they can make a decision if they want to pursue this. Laura said the defense has received records and distributed them and they have been harmful. She suggested either seal the records or have protection so the defendant doesn't have right of ownership, such as, they can view it with their attorney but not be able to take it and to make it a violation if they did distribute it. Laura would want some automatic protection. In one case of hers the videotaped interviews were leaked to media and were played on TV. This issue you could tie into GRAMA. There are rules of criminal procedure dealing with this question of photographs of child sex case being leaked, but looks like it hasn't gone far enough. Some defense attorneys are giving it to the parents of the child and then it becomes a family movie. Laura says they don't have copies; they have transcripts that go with the tape to the police. There are just several issues about confidentiality and distributing records. She wants to put together a working group with Paul's advice.</p> <p>Paul wanted to make a note on the death penalty cases. He wants to make sure we get as much support up there as possible next year. Paul will be helping the AG's office with this bill this upcoming year. Reed thought it was hard to pass it when a law</p> |
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| | <p>professor was up there saying how bad this was and because he's a lawyer, many people will believe him.</p> <p>Paul is working with his intern on doing a blank form to help with a victim's right to be heard on appeal, but Yvette and Tammie have already done this and distributed it. Paul asked for a copy of this form from Tammie.</p> |
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| Agenda Item: | House Bill 81 (Illegal Aliens as Crime Victims) |
| Discussion: | July 1 st is when House Bill 81 goes into effect. This has had some effect on victims because illegal citizens don't want to report. |

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| Agenda Item: | ICE, Cecelia Swainston |
| Discussion: | Cecelia extended the invitation to Immigrations and Customs Enforcement, but they were unable to make it although she thinks they would have declined to come anyway because this is such a touchy issue. Whatever law is in Utah though, the Federal law will actually dictate. Cecelia rescinded an executive order that was put in place by Bush. This is just a piece of whatever the federal procedures for immigration removal will be, which will be easier under Obama's administration for people to be represented. There are restrictions on travel also and only time will tell which is why ICE is setting aside discussions. |

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| Agenda Item: | Highway Patrol, Mike Rapich |
| Discussion: | <p>This has been controversial legislation at best. SB-81 will change many things, like not being able to renew your driver's license online, for example. This bill gave them the one tool to target smuggling and human trafficking. They need to come up with many solutions for problems such as arresting a man who was driving a van with 30 people, what do you do with them? The illegal citizens will be deported immediately but if they are needed for a trial as a witness, for example, they are ordered a continued presence to stay.</p> <p>Under House Bill 64 Kirk indicated they will only go after people who are violent criminals, not just illegal citizens. They have a two year grant through Byrne money.</p> |

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| Agenda Item: | CVR, Mel Wilson |
| Discussion: | Under SB81 CVR would have to determine if they were in the |

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| | <p>US legally and that seems like such a daunting task to verify this. A meeting is scheduled with Scott Reed, the legal advisor to CVR, on whether we can exempt out the illegal citizens. Until July 1st they will act as normal or until they are told they aren't exempt from this. Between 25% and 33% of payouts are from federal money. If CVR will pay for a rape kit, but won't get compensation, it might deter them from coming all together for help.</p> |
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| Agenda Item: | Other State Agencies, Ron Gordon |
| Discussion: | <p>The Attorney General's office is having a chief counsel meeting tomorrow about SB-81 and its impact especially on Department of Health, Workforce Services, etc. The same is true for all 25 state departments. He is waiting on something that is going on in Oklahoma to help answer some of their questions. Overall, Mike wants victims to know it is out there to help ream bad people, not to look for every illegal.</p> |

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| Agenda Item: | Academies, Mel Wilson |
| Discussion: UVAA | <p>Cacey indicated to Mel that she still had half the seats to fill for the Academy. She wanted the Council's support in getting the word out about the Academy which is from June 22nd-26th. After this Academy the Council needs to sit down and talk about how to ensure participation in the future Academies and to make sure they are sustainable. Cacey wanted Mel to also talk about the national speaker Coco O'Connor who is an assault survivor and invite the public to her speech as well. Christine brought up the point that this should be Victimology 101, not exploring victim's issues, which could have resulted in slow attendance response because of this title. They thought about doing some things to lower the cost, but if you do that, then it might not help sustain itself. Another problem is that if attendees apply for the Academy under VOCA they have to wait almost a whole year to go to the Academy since the Academy is in June and VOCA starts July 1.</p> |
| Discussion: Advanced Academy | <p>If the Academy is self-sustaining then we should keep it going, but last year they ended up having to pay for part of it. The discussion now is if we should keep it going. Reed thinks we don't have much involvement with this, so we either need to support it or not. It might help also if we got the word out that the Advanced Academy you can keep going to, it's not a one</p> |

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| | time thing. There was some discussion on whether SWAVO can pick up the Advanced or just get rid of the Advanced Academy all together. Ron brought up the point that this is a challenge for Cacey and CVR because she's not apart of the Council, but has to work in conjunction with them. Christine said she'd heard that it is not advanced enough and also certification issues. Christine listed off all the other trainings there are, so that people wouldn't be worried about not having enough certification if we needed to get rid of the Academy because of sustainability issues. |
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| Agenda Item: | DV Sentencing Matrix and Research Group, Ned Searle |
| Discussion: | Ned pulled together this focus group to look at what Utah does and if it helps victims and if not, then what to change. We need to give victims what they need but hold perpetrators accountable. He noticed in research a lot of things that are missing from our system. They started looking at 911 calls and decided what they could do with dispatch to help them, then law enforcement officers and prosecution. He wants this matrix done by the end of the year to have it out by the beginning of next year. Ned is welcoming anyone to give feedback. Christine suggested Moises Prospero talk to Ned about the counseling of victims and perpetrators. Christine told Ned to make sure that Marlesse Whittington is able to look at this, since she's the one that brought this issue to the Council originally. Ned is also working with Jacey Skinner at the Sentencing Commission. |

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| Agenda Item: | Annual Crime Victims Conference, Laura Blanchard |
| Discussion: Evaluations | <p>Laura Blanchard</p> <p>The evaluations were overall very good. The attendees gave them very great ratings, with few low ones. The committee also received pretty positive feedback throughout and during the Conference. She also thanked the committee for their hard work as well as the staff.</p> |
| Discussion: Conference Sub Committee | <p>Laura Blanchard</p> <p>Laura indicated that the Council received the \$5,000 grant to conduct weeklong activities during National Crime Victims</p> |

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| | <p>Rights Week. The report on what we accomplished is due later this month. The project included going to six of the universities in Utah and passing out chap sticks and other information about victim's services. There was a strong interest from the students and about 3,000 chap sticks were distributed. Laura said she would like the Council's feedback on whether to continue this. James suggested the victim's rights committees take over the project of week-long activities and meet with the conference committee to coordinate information and activities. Cecelia suggested we do a motorcycle ride the Saturday before and then have a speaker at the end of the ride. Patricia suggested we use Baca since they have a lot of contacts. Reed suggested we have a sub-group to plan this that works in conjunction with the victim's rights groups.</p> |
| Discussion: District Rights Committees & PR | <p>Laura Blanchard</p> <p>Laura said we wanted to do video PSA's but were only able to do a radio PSA by Amanda Dixon, but received feedback that it was heard. If any students or others would like to take this on it would be great. Laura suggested there be training from victim rights committees to victim service providers on victim's rights.</p> |
| Discussion: Award Nominations and Process | <p>Yvette Rodier Evans</p> <p>We received 10 nominations, but gave out 7 awards. We would like to get the word out earlier and have the final award nominations come from different parts of the state. We should put on the heads-up flyer something about the nominations. Some committee members heard people thought that 7 awards were excessive, so we could limit it to 5. Also, it is a possibility to have categories like law enforcement, advocate, etc.</p> |
| Discussion: Crime Victim Participation | <p>Cecelia Swainston</p> <p>Ed Smart asked if any victims attend the Conference and Cecelia said she always encouraged it, but there weren't many. He thought that there should be more victim participation. Perhaps the Council could offer scholarships for victims and raise money to cover just food costs.</p> |
| Discussion: 2010 Conference Chair & Vice- | <p>Laura Blanchard</p> |

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| Chair | Yvette was nominated as chair and Tammie as co-chair. |
| Discussion: Budget | <p>Laura Blanchard</p> <p>Laura wanted to note that Cecelia donated over \$2,000 on behalf of the U.S. Attorney's Office. The food costs are always driven by the number of participants, so that was down, because there were fewer participants than last year. The Capitol is almost free except for AV and sound, but not practical. It does not have large enough rooms, has several AV problems, and the rooms being all over various buildings was of concern. If we hold it there again, we cannot have plenary sessions or we will have to limit the number of attendees to about 200.</p> |
| Discussion: Location and Cost | <p>Laura Blanchard</p> <p>There were some wonderful things about being at the Capitol, but it simply isn't practical and is a logistical nightmare. Break-out rooms are scattered and we couldn't do signage, among several other problems.</p> <p>Patricia said that the Capitol isn't the best choice if we are trying to build the Conference up. Cecelia said if we have it at a hotel to have the agenda out early so OVC could help fund a portion of the Conference. OVC covers facilities for example, but not food only light refreshments. Reed wants it at the Capitol. Some people thought about combining this Conference with the CJC Conference, but there were various problems. Cecelia noticed how it was awkward for some of the presenters because there were people all over the room.</p> <p>Patricia suggested we have the keynote present either twice or at different locations to accommodate the amount of people. We also can't have meetings in legislative rooms anymore either because they have stated they can only be used for legislative meetings now. Overall, the Capitol is not practical and the committee will look into other places that are available budget-wise.</p> |
| Discussion: Conference Topic Review & Identification | <p>Mel Wilson</p> <p>Mel looked at several agendas from various conferences to look at emerging issues. Some issues were dating violence, holding</p> |

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| | juvenile offenders accountable, crimes against the elderly, crisis intervention with those who have a mental illness, death appeals issues, etc. Mel offered to help with the Conference. Reed suggested we have a Conference wrap-up and see what we can do to implement those emerging issues through the Council. Cecelia would like to see something on the mentally ill and also when the defendant is the one with the illness. |
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| Agenda Item: | Victim Rights in Juvenile Justice System, Kyle Goudie |
| Discussion: Juvenile Justice Victim Rights Committee | <p>Kyle Goudie</p> <p>Kyle, who works for Juvenile Justice Services, passed around a handout that is basically all the common questions about these services. Some common questions are: where you can find info on your case, what happens to juvenile offenders, the restitution process, etc. Laura wondered if they could send out this common question and answer sheet with a victim impact statement, especially in rural areas. Juvenile probation usually collects all the information, then they screen it with the district attorney who then takes it to victim liaison and then they send out a victim impact statement and hope it is returned. In that packet they can also say whether they want to be notified. He isn't sure if juvenile probation is working or if they are defunct because he just got voicemails when trying to call. Kyle needs to find out if they are still in service.</p> |
| Discussion: Sentencing of Juvenile Offenders | <p>Patricia Sheffield</p> <p>Patricia asked some of their probation officers at 5th District Juvenile Court in order to get more information on the sentencing of juvenile offenders. She found out that they have many limitations. She said there were issues with only giving services to high risk offenders and not low-risk offenders which could become high risk, but they are already being lost in the system. It's also hard to collect restitution, especially if they aren't old enough to get a job and the parents aren't held liable. The process for notification of victims is in place, but lacking in several areas. They don't know they have a right to talk to the judge, etc. Some districts have a victim advocate in the court, but there is no such thing in the 5th district, for example. Patricia would like us to follow up on this and talk with other probation</p> |

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| | officers and where we are lacking. If we are neglecting these offenders now there will be serious problems down the road than if we do things to prevent such problems now. Kyle and Patricia will work together on this. Reed will talk with Dave Walsh on this. |
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| Agenda Item: | Model Restorative Justice Program, Kyle Goudie & Doug Fawson |
| Discussion: | <p>Kyle said that the Model Restorative Justice Program has three tiers: accountability, competency development and community protection. Their mission is to provide comprehensive services for at-risk youth. They have graduations there because of on-going education; they have classes on culinary and grounds keeping, amongst other programs. They are currently trying to reduce their recidivism rates by 5%. The first 35 days are the highest risk for them because 25% who are departing end up back in for some sort of infraction.</p> <p>Doug said that the offenders get released every Tuesday and each district that they are moving into gets their info and the officers can meet with the offender to know who is going to move into the area. It's good for the offender to know that not just the parole office is going to be watching him because it also acts as a support system. Once a week a community action board is held and if he committed a minor infraction, then he would be brought before the board and they would be made aware of what the offense was. The board tries to enlist the offender as an ally, not as someone they want to kick out. They don't send offenders back as frequently as they use to, they try to work with them now. A victim offender dialogue started in other states, but is now victim driven and victim initiated. A victim will say I want to meet with the person who murdered my husband then you would go to the offender and ask them and they would say yes or no. It is back and forth and quite emotional for both. The inmate always has a therapist who sits in and de-briefs with them.</p> |

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| Agenda Item: | Victim Impact Education, Doug Fawson |
| Discussion: | This quite effective victim impact education class shows |

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| | <p>perpetrators what victims go through. About half of all inmates take this class. It lasts 90 days (could be two years for sex offenders) and shows all kind of crimes. Social workers teach it, but only in certain areas of the prison. If anyone is worried that the inmates will get a thrill of this, it is likely the social workers will pick up on it. This is an OVC course, which is quite new, so we will know later how successful it is. Female inmates don't take this class, but they do take something similar. 95% of females have been abused. Reed asked if this would be a challenge if every offender had to take it. Doug thought it would be difficult, especially in the Uintah's unit. They are going to start tracking the offenders who have taken it versus the ones who haven't. Tammie made a motion and Patricia seconded that we add this to Keith's to do list.</p> |
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| Agenda Item: | Post Victimology Courses, Patricia Sheffield & Laura Blanchard |
| Discussion: | <p>Currently, a victimology class is taught in POST, which is four hours worth of training. They are to gain a working knowledge of victimology, victims rights, how to properly talk with victims, identifying techniques to diffuse crisis symptoms, five defense mechanisms that victims use, identify specific dynamics, etc. Patricia thinks some of these topics do more harm than good. She said she would be willing to work with a sub-group of this committee to work on changing hours and topics, etc. To give an officer such psychological information that they can only retain long enough to take the test is ineffective. The problem is the changes have to go through several levels of review; you can't just change it in a day. Heidi doesn't think there's enough time to give them all the information, so she tries to give them more resources and get them motivated about victim issues. Reed suggested Patricia be the chair of this group to look over the POST courses. Laura, Heidi, Yvette and Tammie volunteered to be on this group with Paul as a reference. Reed said he would talk about making it a requirement that if someone is going to investigate DV that they take such required courses as continuing education.</p> |

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| Agenda Item: | Defense Attorney Victim Advocates, Cecelia Swainston & Tammie Atkin |
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| Discussion: | <p>There has been some concern over defense attorney's hiring people to act as advocates to victims who already have an advocate. Tammie asked this man, Lavar who is the one going around and talking about what it is he does, what his role was and what he was providing. She thinks his role is to gather information for the defense, whereas he thinks he's just helping all parties involved resolve the case. He says he is a bridge between the victim and the defense; however he is under contract from the defense. There was concern over how he can help the victim when it's his job, working under the defense, to break down the victim.</p> <p>There are currently five people who do this work and travel around the country who says they've been doing this for ten years. There is an Arizona attorney working on a Utah death penalty case, even though Tammie said this group said they would not work on any death penalty cases without talking to her first. Paul says we need to pass legislation about the ethics of attorneys hiring someone that will confuse victims. On the handout of defense-initiated victim outreach principles of practice, number four is borderline obstruction of justice and the wording is improper. It says "all possible precautions should be taken to avoid or reduce additional trauma to victim-survivors through testimony, cross-examination, or other parts of the process." The main question is why they are needed, what do they bring to the table that isn't already there. Number seven: "victim liaisons must maintain the confidence of the defense team and do nothing to undermine their work" strictly says they work for the defense.</p> <p>We're not sure what kind of cases they are focusing on. They are very forceful and insistent which is a huge problem. It's possible that the Clinic could formally take on all capitol cases so that this group won't disturb the victims in those cases. SWAVO can also get the word out. James said he would like to write a letter saying the Council is opposed to the appropriate person, which could be Richard Burr and Mickell Branham. It's also possible to file a complaint with the Utah State Bar against the defense. Reed will write this letter that James suggested.</p> |
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| Agenda Item: | Judicial District Victim Rights Committees, James Swink |
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| Discussion: 5 th Judicial District | <p>Clint thinks they are doing a good job in the 5th district helping victims. They have had some confusion about some of the roles of the committee, even from those who are on the committee. Clint said not much has been done because they haven't received many complaints. In the 5th district he would like to see more communication from the members so they can better serve their victims and become a more cohesive group and expressed an interest in gaining experience on this from James or Steve. James indicated that he has three formal meetings each year and meets more as complaints come up.</p> <p>James would like the committee chairs to get together twice a year and talk about issues. James would really like to get together about the PSA and advertising the Conference as well. James wants to meet together in August as chairs and suggested Allison come.</p> <p>Mel suggested Marlesse for the 2nd district chair, who has expressed an interest. Reed will contact the presiding judge about nominating her. There was some concern because she is in school but everyone is confident she would do a great job.</p> <p>Tammie is going to be the 3rd district chair officially. Reed will do the same thing and contact the 3rd district presiding judge.</p> |
| Discussion: Web Site | <p>Tammie Atkin</p> <p>Tammie wants to work with Connie at CVR to make sure that all the information we want is on the website and to re-vamp it as well.</p> |

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| Agenda Item: | Critical Incident Response Team, Cecelia Swainston |
| Discussion: | <p>Cecelia said they are having a meeting tomorrow, Wednesday, on this subject and are still moving forward on this team. Since it's a non-funded project the scope of the team is dependent on the departments and what they will allow their service people to do. It is their intention to develop guidelines tomorrow at the meeting. There are about six to eight people who meet on this. Susan Ritter's office agreed to manage the program because they are not under any restrictions as many government agencies are. They want to start small through the Salt Lake County and organize the response team with the providers that are already in</p> |

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| | <p>existence. It is going to be difficult to sell it to law enforcement because they are fearful that a team will just come in and take over their scene. They are going to work all that out, make it solid and then sell it. The team really wants this, they just need to get organized and figure out what each department will let them do, get it in writing and then go out and sell it. Susan would be the main contact who would then make the call-out to the scene, but they would have to be invited first.</p> |
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| Agenda Item: | Children's Justice Centers Confidentiality Status, Laura Blanchard |
| Discussion: | This item was discussed on page 12. |

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| Agenda Item: | STOP Violence Against Women Recovery Act, Christine Watters |
| Discussion: | <p>Included in the folders are the 14 VAWA program purposes. In 2009 CVR will receive a little over \$1,500,000 in Recovery Act money and \$1,300,000 in Formula money. There will be a summit in Chicago this month for administrator's to get more info because there are some gaps in what we know. Each sub grantee needs to meet one of these program purposes as well as the Recovery Act conditions in addition to creating and preserving jobs and creating economic growth. Each sub grantee who receives a grant has to be reported on a website and they have to submit quarterly reports within ten days otherwise Utah is considered delinquent. We are asking the sub grantees to submit theirs within five days, so we can turn around our reports within five days. The Recovery Act money will be an 18 month grant and as it looks now, there is no extension for using these award funds. Some things that are lacking in VAWA currently are: housing, shelters that take in males, legal counsel, education (including Spanish) and job skills.</p> <p>For the VOCA Recovery Act awards we received 23 grants totaling over \$1,000,000 with only \$600,000 to award. We had people requesting new programs and some requesting new ones.</p> |

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| Agenda Item: | Other |
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| Discussion: | <p>Next meeting will be August 27th at the Capitol with lunch at 11:30 and the meeting at noon. The Victim Rights Committee Chair meeting will be at 10:00.</p> <p>Heidi brought up the issue of having Reed, Mel, Paul, as well as herself find a way to get on the judges training for a workshop, whether it's the main one or the division one. To make this happen they need to ask the AFC. Heidi could also create a presentation proposal on the remedies and maybe have judges come in as well.</p> |
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| Action Items: | |
| | <ul style="list-style-type: none"> • Christine facilitate a meeting between Yvette, Mel, Reed, Clint and SWAVO in regards to restitution initiative one • Mel take the lead on restitution initiatives two and three • Ned continue work on dating violence bill • Christine notify SWAVO group of constitutional appellate change coming up next year • Yvette have interns research other states Son of Sam statutes • James follow up on the Clinic becoming a state agency • Put together working group of confidentiality issues with Paul • Tammie send Paul a form of the victim impact statement • Ned ensure he talks with Moises and Marlesse about the DV Sentencing Matrix • James coordinate with victim rights committee chairs the week-long activities for victim's rights week • Conference Committee look for other budget-friendly places to hold the Conference • Kyle check on Juvenile Probation • Reed talk to Dave Walsh about juvenile offender issue which Kyle and Patricia will continue to work on • Keith follow up on victim impact education class • Patricia start on the POST sub-committee issues • Reed write a letter to the defense-initiated victim outreach group • District rights committee chairs meet in August • Reed will contact the presiding judges for 2nd and 3rd District • Tammie work with Connie at CVR on website • Add Anne Fremuth to the next meeting |

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| | <ul style="list-style-type: none">• Heidi work on getting into the judges training workshop |
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